

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:07cv140**

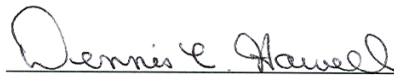
**PERFORMANCE SALES &** )  
**MARKETING, LLC, a North Carolina** )  
**Limited Liability Company; PSM** )  
**GROUP, INC., a North Carolina** )  
**Corporation; an GREG SEREY, an** )  
**individual,** )  
 )  
**Plaintiffs,** )  
 )  
**v.** )  
 )  
**LOWE’S COMPANIES, INC.,** )  
 )  
**Defendant.** )  
\_\_\_\_\_ )

**ORDER**

Pending before the Court are Plaintiffs’ Motion to Compel Discovery [# 105] and Motion to Withdraw and/or Amend Deemed Admissions [# 120], and Defendant’s Motion to Compel and to Extend Discovery Deadlines [# 115]. In short, each side contends that the opposing side has failed to fully respond to various discovery requests. Accordingly, both sides now move to compel the production of documents and answers to interrogatories. In addition, Plaintiffs move to withdraw or supplement their deemed admissions to Defendant’s Second Request for Admissions. The Court **DIRECTS** the parties appear for a hearing at 2:00 p.m. on June 29, 2011, in Courtroom 1 at the United States District Court Western District of North Carolina,

Asheville Division, 100 Otis Street, Asheville, North Carolina. At the hearing the Court will address these pending discovery motions. The Court **DIRECTS** counsel for the parties to **CONFER** in person - not by email, letter, or telephonically - at least three days prior to the hearing and attempt to resolve the outstanding discovery issues or narrow the outstanding issues that need to be addressed at the hearing. The Court **INSTRUCTS** the parties that it will consider sanctions against any party that it finds to have abused the discovery process or acted in disregard to its discovery obligations under the Federal Rules of Civil Procedure.

Signed: June 15, 2011

A handwritten signature in cursive script, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell  
United States Magistrate Judge

